

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,
Plaintiff,

v.

480 GEARY STREET, LLC, et al.,
Defendants.

Case No. [19-cv-02460-JSW](#)

**ORDER TO SHOW CAUSE WHY
COUNSEL SHOULD NOT BE HELD IN
CONTEMPT AND REFERRAL TO
COURT'S STANDING COMMITTEE
ON PROFESSIONAL CONDUCT AND**

Re: Dkt. No. 38

On July 17, 2020, the Court held a case management conference in this case. Counsel for Defendants, Michael Welch, did not appear. On July 20, 2020, the Court issued an Order to Show Cause directing him to show cause why he should not be sanctioned in the amount of \$500.00 for his failure to appear. Mr. Welch's response to the Order to Show Cause was due on July 31, 2020. He failed to respond. On August 6, 2020, the Court imposed monetary sanctions in the amount of \$500.00 on Mr. Welch for his failure to appear at the case management conference. Mr. Welch was ordered to pay those sanctions by not later than August 14, 2020. To date, the sanctions remain unpaid.

In the Order imposing sanctions, the Court noted that it had issued several orders to show cause in this case because of non-compliance with deadlines imposed by the Court and by the scheduling orders. In addition, on July 20, 2020, the Court issued an Order striking Defendants' answer, holding Defendants in civil contempt, and directing Plaintiff to file a motion for default judgment. (Dkt. No. 37.) The Court directed Mr. Welch to "file a notice a that states that he has provided Defendants with a copy of this Order and the date on which the Order was provided to Defendants," by July 27, 2020. (Order Striking Answer at 3:11-15.) Mr. Welch did not comply with that deadline.

1 The Court also expressly advised Mr. Welch that his continued failure to comply with
2 Court Orders might result in a referral to this Court's Standing Committee on Professional
3 Conduct, additional monetary sanctions, and referral to the State Bar of California.

4 Based on his continued failure to comply with or respond to Court Orders, Mr. Welch is
5 ORDERED TO SHOW CAUSE why the Court should not hold him in contempt. Mr. Welch's
6 response to this Order to Show Cause shall be due by September 4, 2020, and the Court schedules
7 a hearing at 11:00 a.m. on September 25, 2020 to address this Order to Show Cause. The Court
8 advises Mr. Welch that his continued failure to respond to this Court's Orders may also result in a
9 further Order to Show Cause as to why the Court should not refer this matter to the United States
10 Attorney's Office for purposes of criminal contempt and why it should not refer him to the
11 California State Bar for disciplinary proceedings.

12 In addition, the Court concludes that Mr. Welch's conduct in this matter does warrant a
13 referral to the Standing Committee on Professional Conduct for further investigation pursuant to Civil
14 Local Rule 11-6(a)(1) and by this Order HEREBY REFERS this matter to that Committee.

15 **IT IS SO ORDERED.**

16 Dated: August 20, 2020

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18 JEFFREY S. WHITE
19 United States District Judge
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